

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

PHILIPS NORTH AMERICA LLC, a  
Delaware Company; KONINKLIJKE PHILIPS  
N.V., a Company of the Netherlands; and  
PHILIPS INDIA, LTD., an Indian Company,

Plaintiffs,

vs.

SUMMIT IMAGING INC., a Washington  
Corporation; LAWRENCE R. NGUYEN, an  
individual; and DOES 1-10, inclusive,

Defendants.

NO. 2:19-cv-01745-JLR

**STIPULATED MOTION AND  
~~PROPOSED~~ ORDER EXTENDING  
TIME FOR PLAINTIFFS TO  
RESPOND TO DEFENDANTS'  
THIRD COUNTERCLAIM**

NOTE ON MOTION CALENDAR:  
December 29, 2020

**I. STIPULATION**

Plaintiffs Philips North America LLC, Koninklijke Philips N.V. and Philips India, Ltd.  
and Defendants Summit Imaging, Inc. and Lawrence R. Nguyen, by and through their  
undersigned counsel of record, hereby stipulate and agree as follows:

1. On November 16, 2020, the Court granted Plaintiffs' Motion to Dismiss  
Defendants' first and second counterclaims and denied the motion to dismiss the third  
counterclaim. ECF 73.

STIPULATED MOTION AND ORDER EXTENDING TIME  
FOR PLAINTIFFS TO RESPOND TO DEFENDANTS' THIRD  
COUNTERCLAIM - 1  
(No. 2:19-cv-01745-JLR)

SAVITT BRUCE & WILLEY LLP  
1425 Fourth Avenue Suite 800  
Seattle, Washington 98101-2272  
(206) 749-0500

1           2.       On December 7, 2020, Defendants filed amended conditional first and second  
2 counterclaims. ECF-84-1.

3           3.       Under the presently operative schedule, Plaintiffs' deadline to Answer the Third  
4 Counterclaim for Copyright Misuse is January 4, 2021. ECF 93.

5           4.       On December 16, 2020, the Court bifurcated and stayed Defendants amended  
6 conditional first and second counterclaims. ECF 94.

7           5.       On December 23, 2020, the Court granted Plaintiffs' Motion for Leave to File a  
8 Third Amended Complaint. ECF 98.

9           6.       In accordance with the Court's Order, Plaintiffs filed the Third Amended  
10 Complaint on December 28, 2020. ECF 99.

11           7.       Pursuant to FRCP 15(a)(3), Defendants' deadline to Answer the Third Amended  
12 Complaint is January 11, 2021.

13           8.       In order to avoid duplicative answers to the Third Counterclaim, the parties are  
14 agreed—subject to the Court's approval—that Plaintiffs' Answer to Defendants' Third  
15 Counterclaim will be due not later than fourteen (14) days after Defendants file their  
16 forthcoming Answer to the Third Amended Complaint.

17           9.       The parties are further agreed that the present stipulation and proposed order do  
18 not alter or effect the Court's existing order bifurcating and staying Defendants' amended  
19 conditional first and second counterclaims (ECF 94), which order remains in effect and  
20 applicable to Defendants' conditional first and second counterclaims as reiterated in their  
21 forthcoming Answer to the Third Amended Complaint.

22           ///

23           ///

SO STIPULATED AND AGREED: December 29, 2020.

**SAVITT BRUCE & WILLEY LLP**

By /s/ Stephen C. Willey

Stephen C. Willey, WSBA #24499  
1425 Fourth Avenue, Suite 800  
Seattle, WA 98101-2272  
Telephone: 206.749.0500  
Email: [swilley@sbwllp.com](mailto:swilley@sbwllp.com)

**REED SMITH LLP**

Christine Morgan (*pro hac vice*)  
Johnathan I. Detrixhe (*pro hac vice*)  
101 Second Street, Suite 1800  
San Francisco, CA 94105-3659  
Telephone: (415) 543-8700  
Email: [cmorgan@reedsmith.com](mailto:cmorgan@reedsmith.com)  
Email: [jdetrixhe@reedsmith.com](mailto:jdetrixhe@reedsmith.com)

Carla M. Wirschafter (*pro hac vice*)  
1901 Avenue of the Stars, Suite 700  
Los Angeles, CA 90067  
Telephone: (310) 734-5200  
Email: [cwirschafter@reedsmith.com](mailto:cwirschafter@reedsmith.com)

Kirsten R. Rydstrom (*pro hac vice*)  
Richard A. Graham (*pro hac vice*)  
Reed Smith Centre, 225 Fifth Ave  
Pittsburgh, PA 15222  
Telephone: (412) 288-3131  
Email: [krydstrom@reedsmith.com](mailto:krydstrom@reedsmith.com)  
Email: [rgraham@reedsmith.com](mailto:rgraham@reedsmith.com)

Gerard M. Donovan (*pro hac vice*)  
1301 K Street, N.W.  
Suite 1000, East Tower  
Washington, DC 20005-3317  
Telephone: (202) 414-9200  
Email: [gdonovan@reedsmith.com](mailto:gdonovan@reedsmith.com)

*Attorneys for Plaintiffs Koninklijke Philips N.V.,  
Philips North America LLC, and  
Philips India, Ltd.*

**SEED IP LAW GROUP LLP**

By /s/ Marc C. Levy [email authorization]  
Russell Tarleton, WSBA #17006  
Marc C. Levy, WSBA #19203  
Jeffrey E. Danley, WSBA #52747  
Thomas A. Shewmake, WSBA #50765  
701 Fifth Avenue, Suite 5400  
Seattle, WA 98104  
Telephone: (206) 622-4900  
Email: [RussT@seedip.com](mailto:RussT@seedip.com)  
Email: [MarcL@seedip.com](mailto:MarcL@seedip.com)  
Email: [JeffD@seedip.com](mailto:JeffD@seedip.com)  
Email: [TomShemake@seedip.com](mailto:TomShemake@seedip.com)

*Attorneys for Defendants Summit Imaging Inc.  
and Lawrence R. Nguyen*

II. ORDER

It is so ORDERED.

DATED: 30 December, 2020.



The Honorable James L. Robart

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on December 29, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 29<sup>th</sup> day of December, 2020 at Seattle, Washington.



Nate Garberich